

December 7, 2016

Frederick County Division of Planning & Permitting  
Zoning Map Amendment  
Staff Report

**Case #:** R-16-01

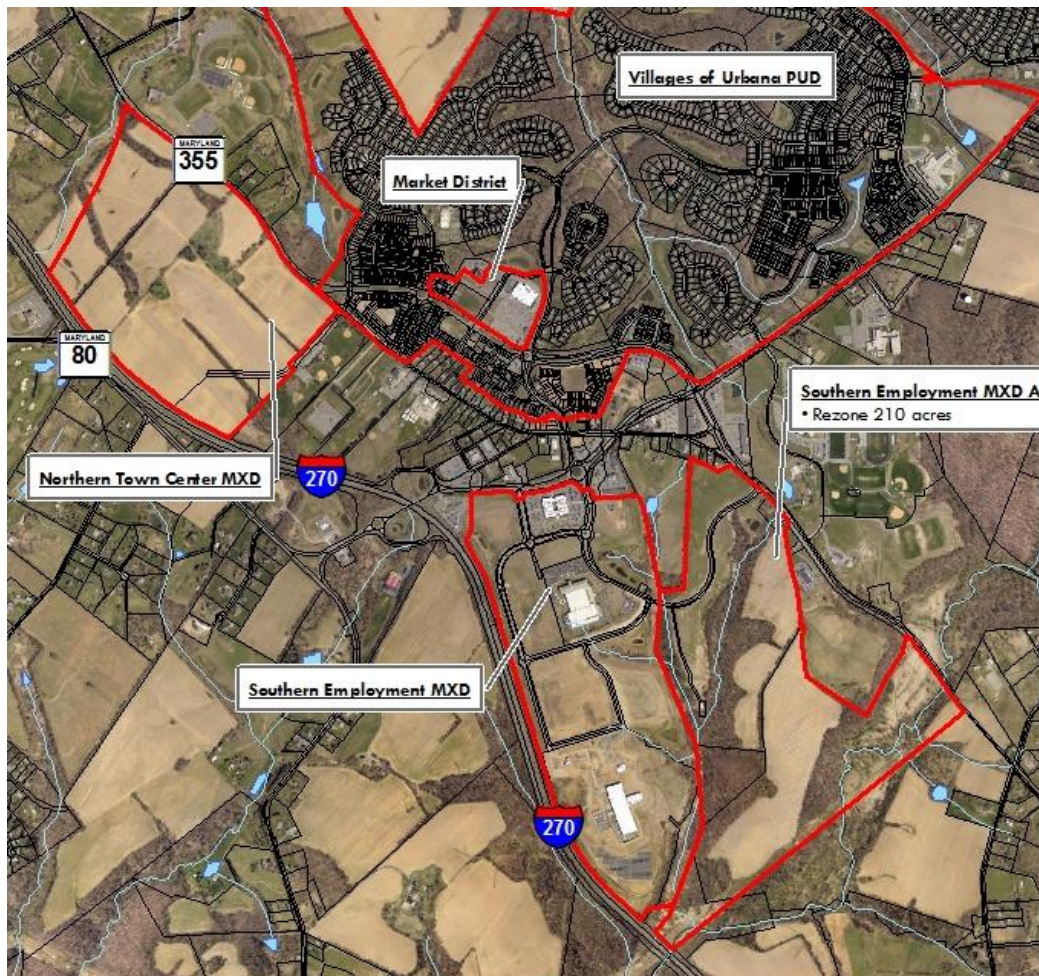
**Applicant:** Urbana Investment Properties II and Monocacy Land Co., LLC

**Request:** Combined rezoning application including the following:

**Northern Town Center MXD** – Amend the Phase I Plan to replace approximately 26 acres of employment uses with residential uses while keeping the maximum number of permitted dwellings at 610.

**Southern Employment MXD** – Rezone 166.9 acres of Office/Research/Industrial (ORI), 42.5 acres of Resource Conservation (RC), and 0.7 acres of Limited Industrial (LI) to Mixed Use Development (MXD) and add to the existing Southern Employment MXD. This 210-acre area is proposed as an age-restricted residential development with 700 permitted dwellings and/or an assisted living/nursing care facility.

**Villages of Urbana PUD** – Increase the number of permitted dwellings from 3,013 to 3,088 with an additional 75 townhouse dwellings in the Market District area of the PUD.



## I. Background

This is a combined application that proposes amendments to individual Phase I Plans for the respective previously approved developments and also proposes the rezoning of additional land to be incorporated into the Southern Employment MXD development. The ability to submit a combined application is addressed in the Zoning Ordinance § 1-19-10.500.5 (F) and reads as follows:

*A combined application for PUD and MXD Districts may be submitted where the subject property is to be divided into development areas which correspond to a different planned development category; and where each development area is identified by a separate legal description.*

While the three existing developments described below were rezoned and received development approvals as separate projects, they are under the same development ownership and were part of a combined Development Rights and Responsibilities Agreement (DRRA) and Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) approved on June 13, 2013.

The combined application also recognizes the physical contiguity of the three developments via public road right-of-ways to allow for the single combined application. This is necessary to consider the two MXD developments as a single, combined development.

### **Villages of Urbana PUD**

The Villages of Urbana PUD was initially rezoned to Planned Unit Development (PUD) in 1973 (R-73-2). At that time at least part of the development was proposed as a retirement community. The development went through numerous ownership changes but it was not until the mid-1990's that it progressed through its final development review process. The first building permit was issued in 2000. The current extent of the PUD zoning includes two separate developments with a total area of 1,114 acres. The Villages of Urbana is 1,030 acres with 3,013 approved dwellings and Urbana Highlands is 112 acres with 471 approved dwellings and are completely built out.

### **Northern Town Center MXD (Urbana Town Center Employment District MXD)**

This development was rezoned from Office/Research/Industrial (ORI) to Mixed Use Development (MXD) in 2006 (R-06-1). That approval proposed employment, residential (500 dwellings including 200 age-restricted units), and some supporting commercial uses. The Phase I Plan was amended in 2012 (R-06-1 A) to increase the residential component to 610 dwellings and to eliminate the age-restricted condition on 200 of the dwellings. The current land use plan includes 67 acres for employment use with the potential for approximately 1.95 million square feet of office space.

### **Southern Employment MXD (Urbana Office/Research Center MXD)**

This development, more specifically known as the Urbana Office Research Center, was rezoned from ORI to MXD in 1998 (R-98-1) proposing only employment and commercial uses (no residential uses). The Phase I Plan was amended in 2009 (R-98-1 A) to adjust the amount of permitted commercial uses to accommodate a planned outlet mall. In 2012, a second amendment to the development was approved (R-98-1 B) that significantly reduced the commercial uses to accommodate the proposed Social Security Administration data center. There is approximately 67 acres of net acreage available to accommodate additional employment and commercial development. If developed entirely as employment with a Floor Area Ratio (FAR) of 0.5 this land has the potential for approximately 1.4 million square feet of office space.

## II. Applicant's Proposal

### Overview

This application proposes to amend two previously-approved MXD projects and a small section of the approved Villages of Urbana PUD.

In the Villages of Urbana PUD, the Applicant seeks to garner an additional 75 dwelling units (townhouses) in order to bring the development of the PUD to a conclusion with the completion of the Market District area – the commercial and institutional heart of the PUD.

In the Southern Employment MXD, the Applicant is seeking a significant expansion and revision of the land use mix previously approved. The proposal maintains the original employment areas in the 211+ acre MXD development that is already home to several employers including the Social Security data center, Fannie Mae data center, and Legal and General (insurance company). The proposed 210-acre expansion area south and east of the existing MXD would create an opportunity for the development of a 700-unit age-restricted residential community, absorbing not just the undeveloped Raystock property but the land bays previously zoned for ORI development along Urbana Parkway. This portion of the proposal would add a residential component to an MXD project that currently includes only non-residential uses. This area may also accommodate an institutional use, which would permit an assisted living/nursing care facility on all or a portion of proposed residential area.

The third component seeks to revise the land use mix in the Northern MXD by removing approximately 26 acres set aside for employment uses and expanding the land area available for the development of the previously-approved 610 residential dwellings. The Applicant seeks to replace the opportunity for non-residential development with residential development in the 25.9-acre Land Bay 2A area. The remaining employment land area of approximately 32 acres in Land Bay 2C would maintain the potential to accommodate up to 697,000 sf of office space at an FAR of 0.5. Land Bay 2C may accommodate up to 20,000 sf of commercial uses. The Applicant has proposed no additional residential dwellings for this portion of the project.

In summary the Application proposes:

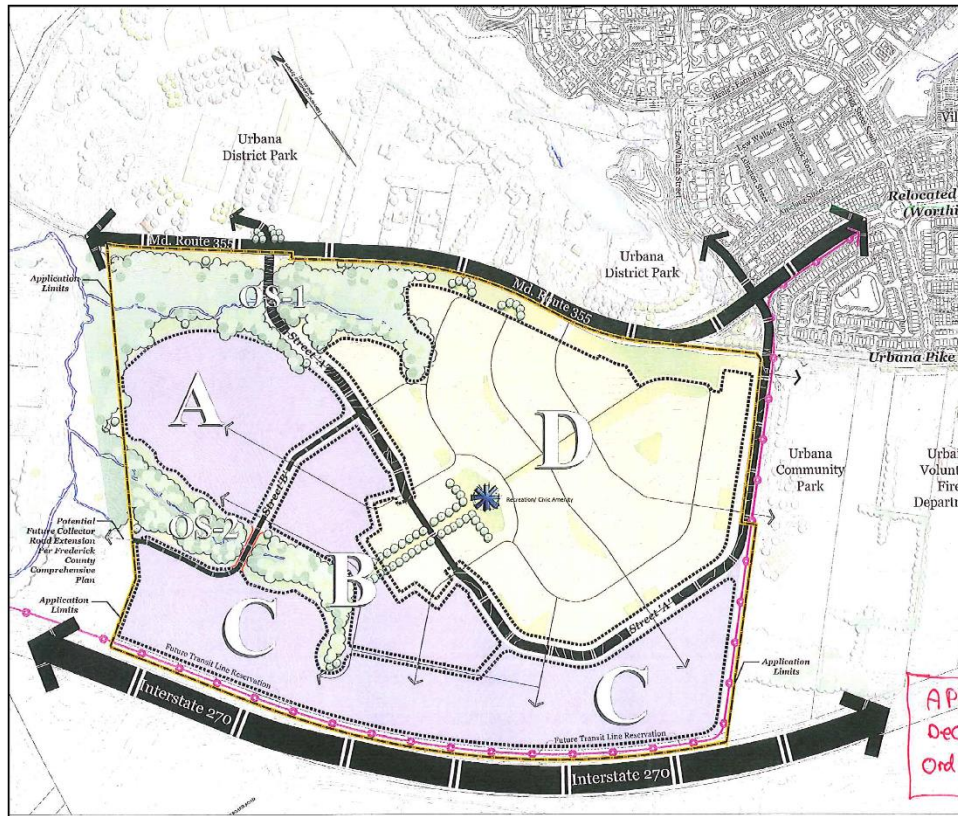
- Add 75 all-age dwellings to the Villages of Urbana PUD for a maximum of 3,088 permitted dwellings.
- Rezone and add 210 acres to the combined Northern and Southern MXD developments;
- Add 700 age-restricted dwellings to the Southern MXD with the option to develop all or a portion of this area with an assisted living/nursing care facility.
- Increase the total number of dwelling units in the MXD and PUD by 775 dwellings, to include 700 age restricted units and 75 non-age restricted units.

### Concept Plan Proposal – Northern and Southern MXD's

The following concept plans and charts illustrate the mix of land uses currently approved for the Northern and Southern MXD developments. The third graphic shows the proposed concept plan and the proposed land use mix for the combined MXD development.



## Northern Town Center MXD - 2012

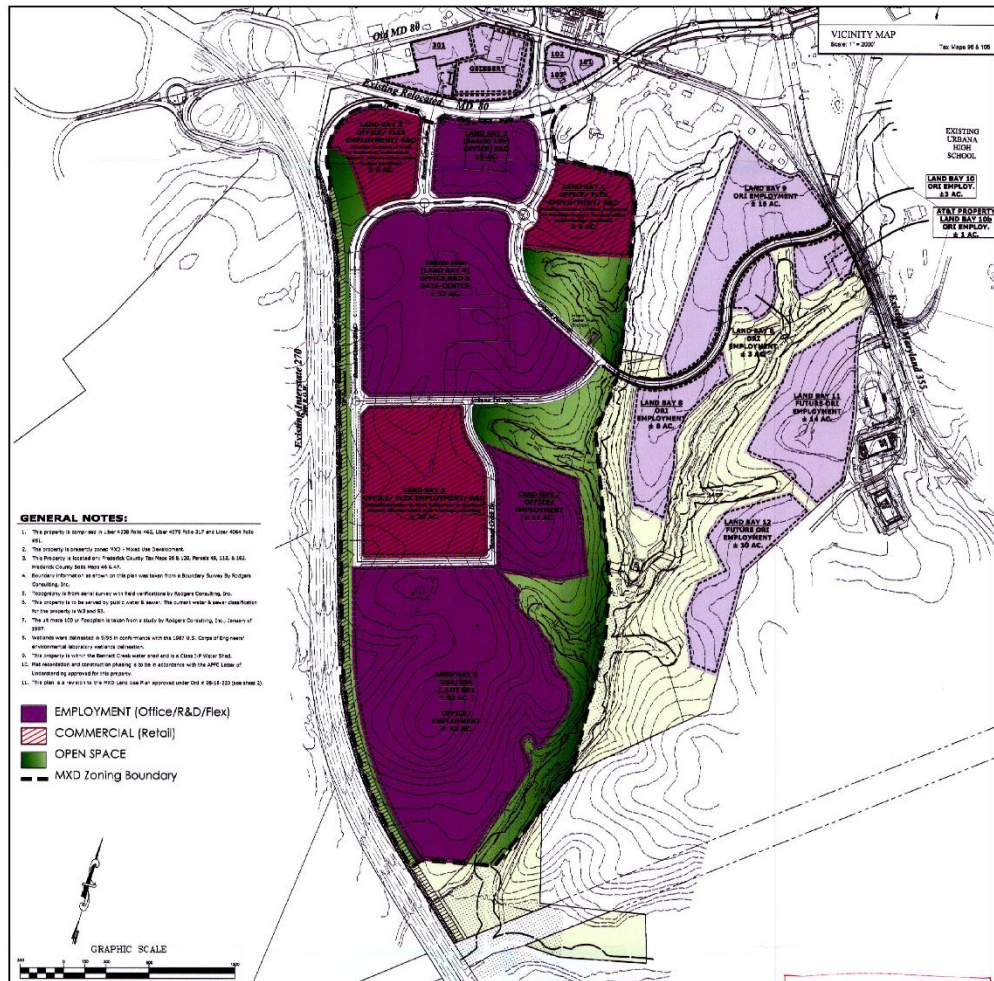


### Land Use Area (acres)

Gross MXD Area	181
Floodplain	4

Net MXD Area	177	
Employment	80	1,950,000 sf
Commercial	may be co-located with employment uses	50,000 sf maximum
Residential	44	610 du
Civic/Recreational/Open Space	27	
Road/Transit ROW	26	

# Southern Employment District MXD - 2012



Land Use Area (acres)	
Gross MXD Area	212
Floodplain	7
Net MXD Area	205
Employment	140
Commercial	17
Residential	0
Civic/Recreational/Open Space	25
Road/Transit ROW	23

1,950,000 sf  
retail/services: 35,000 sf  
restaurants: 38,000 sf  
hotel: 150 rooms

may be co-located with employment uses



## Combined MXD (current proposal)

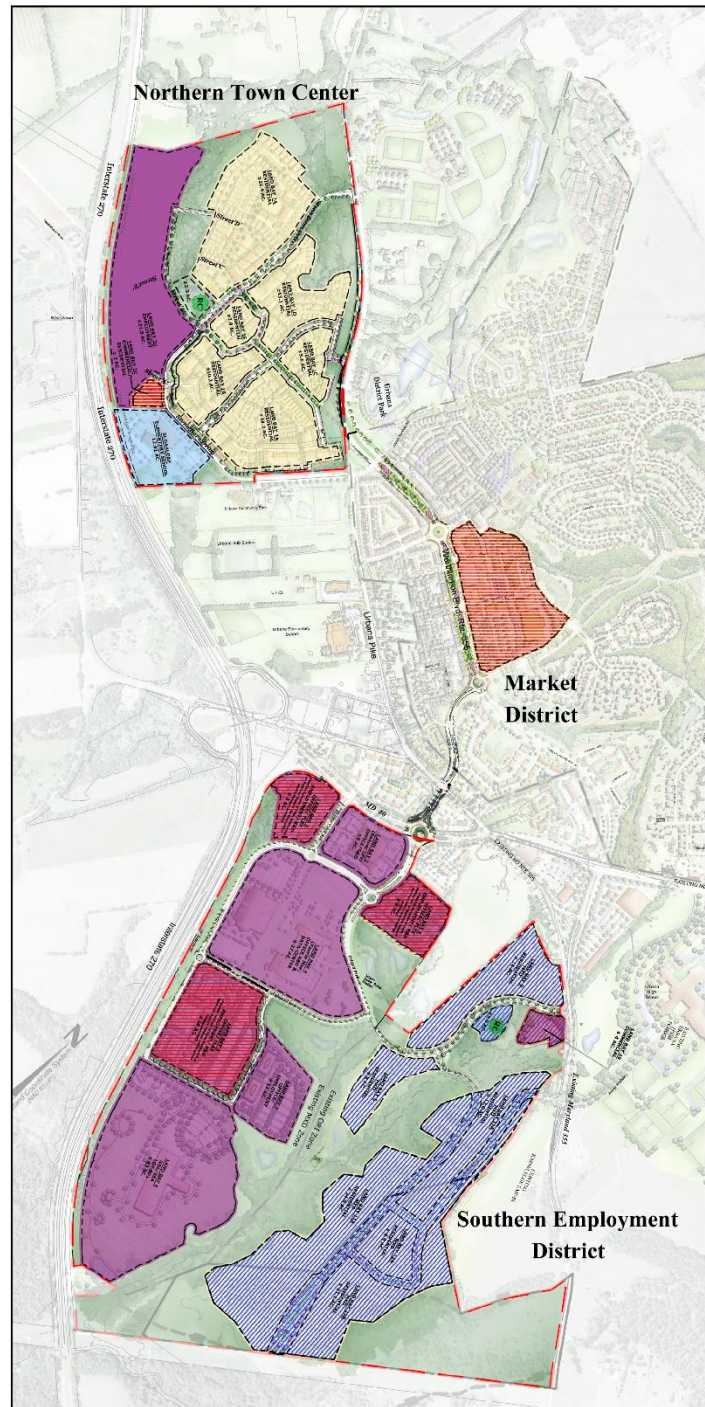
Gross MXD Area	
603 acres	
Floodplain	
37 acres	
Net MXD Area	
566 acres	

### Northern Portion

Employment	
44 (includes 12 acre school site)	
Commercial	
2 acres	
20,000sf	
Residential	
77 acres	
610 du	
Civic/Rec/Open Space	
38 acres	
Road/Transit ROW	
20 acres	
TOTAL	
181 acres (w/o school site)	

### Southern Portion

Employment	
140 acres	
Commercial	
21 acres	
80,000 sf	
Residential	
99 acres	
700 du	
Civic/Rec/Open Space	
130 acres	
Road/Transit ROW	
32 acres	
TOTAL	
422 acres	



The proposed combined land use plan meets the threshold criteria of the Zoning Ordinance laid out in Section 1-19-10.500 as follows:

**Proposed Land Use Mix Summary for the Combined MXD**

Land Use	Acres	Percentage (total land area)	Maximum Permitted or Minimum Required
Residential – 176 ac.	199	33%	40% maximum <sup>1</sup>
Commercial – 23 ac.			
Employment/Institutional <sup>2</sup>	184	30%	No maximum
Open Space/Recreational	168	28%	96.1 ac minimum
Right-of-Way	52	9%	N/A
<b>TOTAL</b>	<b>603 acres</b>		

1. Of the gross acreage (603 acres) including floodplain (37acres)
2. Includes a 12-acre school site in the Northern MXD

**Employment Potential**

The most significant change proposed in this application is the amount of land to be shifted from employment use to residential or institutional uses. The table below summarizes the difference in acreages for each development/property as currently exists and with the proposed revisions.

Development/Property	Existing (acres)	Proposed (acres)
Northern MXD	67	32
Southern MXD (undeveloped land only)	67	67
Urbana Office Research Center (ORI)	54	0
Raystock property (ORI)	71	0
<b>Total Acres</b>	<b>259 acres</b>	<b>99 acres</b>
<b>Building Potential (square feet)</b>	<b>5.6 million<sup>1</sup></b>	<b>2.1 million<sup>1</sup></b>

1. Assumes a Floor Area Ratio (FAR) of 0.5

### **Villages of Urbana PUD**

The land use mix for the Villages of Urbana PUD is unaffected by the proposal for an additional 75 dwelling units to be constructed in the Market District area. With a gross area of 1,030 acres, the proposed maximum dwellings of 3,088 works out to a **gross density** of 2.9 dwellings/acre. The residential density remains in the 3 – 6 DUs/acre range and the proposed siting of these additional units would occur in an area already approved for the construction of a mix of uses (including a potential for a mix of housing types, such as townhomes and multi-family units).

### **Open Space Criteria**

The Zoning Ordinance requires the provision of open space at the following rates in an MXD:

Residential uses - 30% of total residential acreage = 61.1 ac

Commercial/Employment/Institutional uses - 20% of combined acreage = 35 ac

The required amount of Open Space is 96.1 acres. The Applicant is proposing 168.1 acres which exceeds the requirement significantly.



## Concept Plan – Northern and Southern MXD's

The Concept Plan for this combined application demonstrates a continuation of design principles previously utilized by the Applicant throughout the development of the associated Urbana projects. Proposed development areas are illustrated as compact neighborhoods utilizing a modified block patterns with a clear hierarchy of streets serving a variety of building types and responding sensitively to the natural features and environmental constraints of the land.

The **Northern Town Center MXD**, as modified from its currently approved mix of employment, commercial, and residential uses, proposes an expansion of attached and detached homes into at least one area previously slated for office uses (Land Bay 2A), while retaining proposed employment and commercial uses along the lands immediately adjacent to I-270. This redistribution of residential dwellings into areas previously planned for employment uses has the effect of decreasing the net residential density of the proposed neighborhood. The street pattern very closely aligns with the currently approved Preliminary Subdivision Plan for the project with the difference being that residential structures would replace some portion of the office buildings. The plan makes good use of the site by providing a spine road (Stone Barn Parkway) that travels deep into the property connecting at key intersections on both ends – at the Urbana District Park entrance on the north end, and at Lew Wallace Street, adjacent to Urbana Community Park on the south end. A community center and amenities cluster is located in the center of the property capping a  $\frac{3}{4}$  mile axial connection between this development and the Market District at the heart of the PUD. The planned Sugarloaf Elementary School is tucked into the southwestern corner of the project site adjoining the Urbana Community Park.

Northern MXD Site – Overview Looking Northeast



The **Southern Employment MXD** concept plan provides a level of detail that demonstrates a new approach to this expanded geographical area of the Urbana community. In addition to a continued buildout of the office/employment bays previously improved for development (streets, water/sewer, lighting, sidewalks), the plan illustrates the proposed age-restricted project in two distinct sections: a higher-density series of residential structures surrounding a community center, situated along the existing Urbana Parkway; and, what appears to be a slightly lower-density 'peninsula' of varying types of residences laid out along a hairpin-shaped loop road with connections to MD 355 on the east and Urbana Parkway on the west. These two sections are separated by a largely undeveloped, wooded, stream valley. A comprehensive trail system that connects the sub-areas of the community to one another and to the greater Urbana area is illustrated as a key element in providing interconnectivity to other destinations and land uses in neighborhood. The road network is linked together through a robust series of streets designed to provide convenient access from I-270, MD 80, and MD 355. Land areas immediately adjacent to Sugarloaf Parkway provide sites for anticipated, previously-approved retail, restaurant, and hotel uses.

Southern MXD Site – Overview Looking West – Employment Area

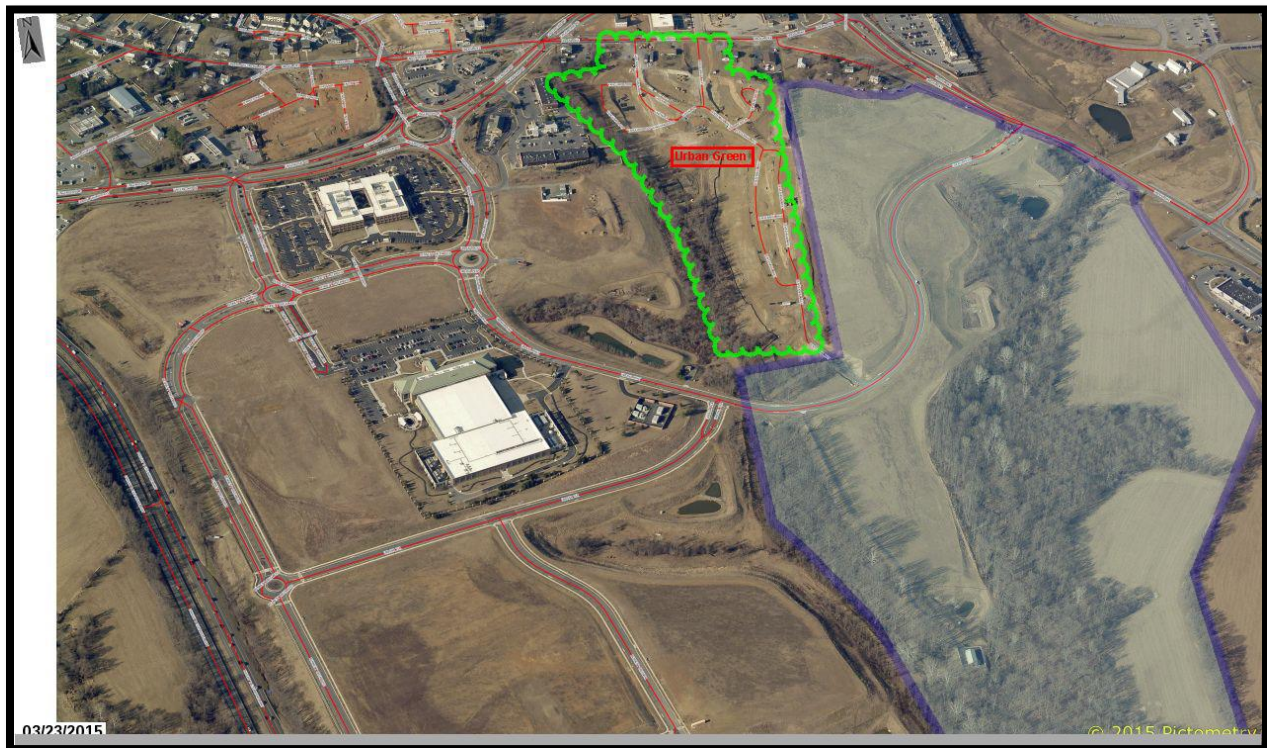




Southern MXD Site – Raystock/ORI Age-Restricted Residential - Overview Looking Southwest



Southern MXD Site – Raystock/ORI Age-Restricted Residential - Overview Looking Southwest





## Concept Plan – Villages of Urbana PUD

When the Villages of Urbana PUD was rezoned in 1973 it did not have a Phase I Plan land use concept as we have required in more recent PUD applications. When the PUD was going through its Phase II Plan reviews in the late 1990's and into the 2000's a Market District designation was applied to the area in the northeast corner of Worthington Blvd and Sugarloaf Pkwy. The concept of the Market District is to create a commercial/town center/civic core for the PUD and the larger Urbana community. The Market District area is approximately 18 acres in size and includes the existing grocery store and retail center, commercial pad sites, the Urbana Regional Library and the mostly undeveloped land area that is subject to this application.

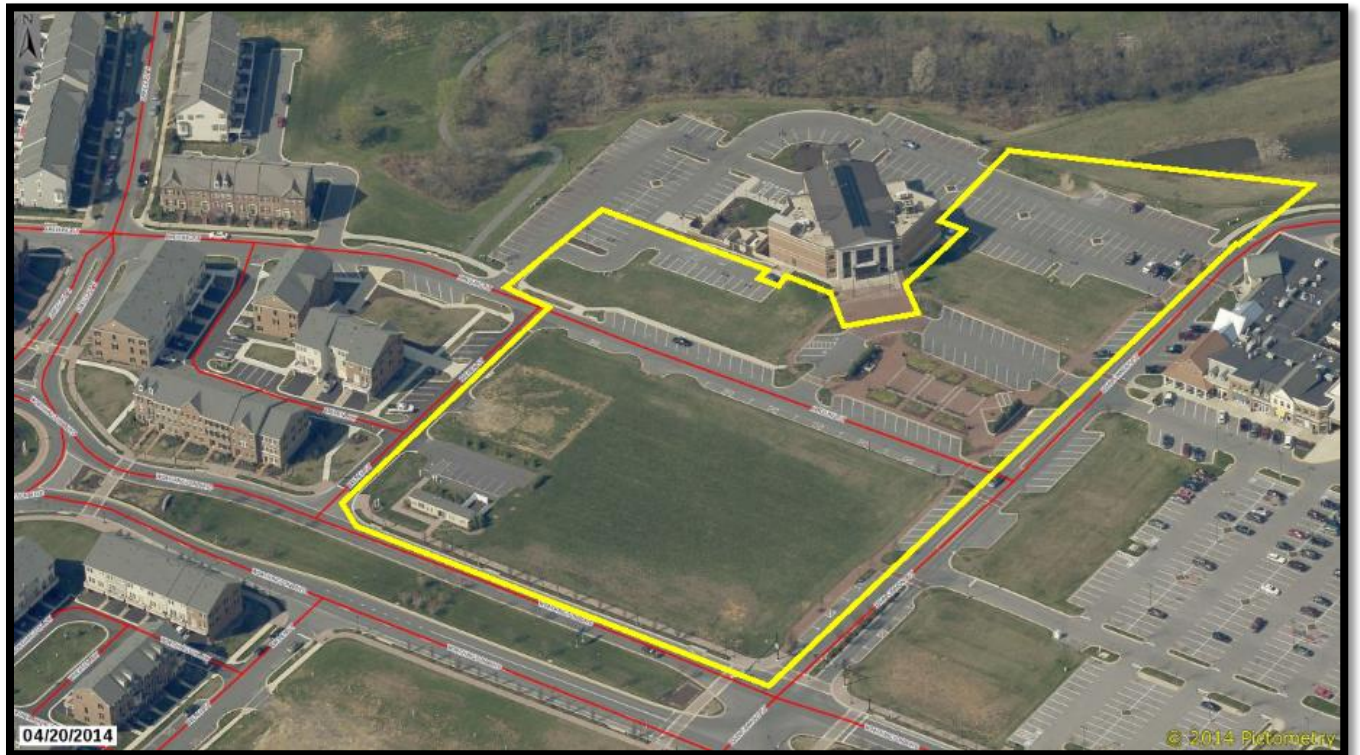
### Market District Site



The primary undeveloped area is approximately 5.5 acres is within the larger Market District area (approximately 19 acres) and includes an undeveloped block of approximately 2.5 acres, parking lots around the library, and a plaza in front of the library. The plan appears to show several rows of townhouses that would likely have rear alleys with the fronts facing Worthington Blvd, and John Simmons St. and perhaps the two other side streets. This site may also still be developed with commercial/retail uses in combination with any residential uses. The Applicant is illustrating an arrangement of structures that appear to generally reinforce the “Main Street” pattern of the Market District. While the application specifies the additional dwellings to be townhouses, Staff would recommend that multi-family dwellings also be permitted, which would provide a much needed diversity of housing choices in the PUD.



## Market District Site – Vacant Areas



## **Phasing Plan**

### **Villages of Urbana PUD**

Mass grading and the installation of utilities, streets, and other supporting infrastructure for previously approved development has already been completed within the Villages of Urbana PUD. Depending on market conditions the applicant indicates that final plats could be recorded and building permits issued for these units as early as late 2018/early 2019.

The development of an additional 75 residential units, potentially including a mix of townhouses and multi-family units in the Market Square District of the PUD, would require further application approval through the development review process.

### **Northern Town Center MXD**

It is anticipated that the development of the 610 currently approved dwellings will continue with the recording of final plats and the issuance of building permits for the first several sections in the 2016/2017 timeframe. The site has been mass graded and utilities/roads are currently under construction. An additional 128 multi-family flats that are currently approved have been removed from the Concept Plan. The speed at which those units are reincorporated into the development is dependent upon the outcome of this rezoning and the speed with which the Applicant can revise the current Combined Preliminary/Site Plan for this project.

For the proposed additional residential there would be an additional development review process allowing for initial lot recordation in the 2018/2019 timeframe.

### **Southern Employment MXD**

The employment areas of this MXD are essentially complete in terms of shared infrastructure and site preparation. Additional employment uses may proceed through the development review process (6 – 9 months) and otherwise be unencumbered in terms of construction.

The areas along Urbana Parkway that would transform from office/research uses to the proposed age-restricted residential community are in a development-ready state with roads and utilities available. The southernmost sections of the age-restricted site are in a pre-development state and would require significant effort to be ready and available for development. Site Development Plan application is anticipated for this section during the 2017-2018 timeframe. No other phasing information is available in the application. Initial construction of the residential component could occur in the 2018/2019 timeframe.

### III. Evaluation - Relationship to the County Plans

#### Proposed Land Use Mix and Density

##### Villages of Urbana PUD

Gross density of a proposed PUD development shall comply with the following table.

County Comprehensive Plan Land Use Designation	Dwelling Units per Acre
Low Density Residential	3-6 du/ac
Medium Density Residential	6-12 du/ac
High Density Residential	12-20 du/ac

The Villages of Urbana PUD has a gross acreage of 1,030 acres and with the proposed maximum of 3,088 dwellings would have a gross density of 2.9 dwellings/acre.

While the application proposes 75 townhouses these could be developed in combination with a mix of commercial/retail uses which would be consistent with the concept for the Market District.

##### Northern and Southern MXDs

The Land Use Mix proposed in this Application provides for a range of uses anticipated in areas designated in the Comprehensive Plan for Mixed Use Development. In summary:

<b>Employment/Institutional</b>	<b>30%</b>
<b>Residential</b>	<b>33%</b>
<b>Open Space</b>	<b>28%</b>
<b>Other (core functions)</b>	<b>10%</b>

Measured in land area (acres), the mix is distributed across both the Northern and Southern MXDs in the revised Concept Plan.

The Residential Density of the combined MXD can be measured in two ways:

**Gross Density** 1,310 du/603 acres = 2.2 dwellings/acre

**Net Density** 1,310 du/176 acres = 7.4 dwellings/acre

The proposed net residential density of 7.4 DUs/acre falls squarely within the Medium Density Residential range (6-10 dwellings/acre) in the County Comprehensive Plan (*Managing Our Growth*, p. 10-25).

§ 1-19-10.500.6 (B) of the Zoning Ordinance states: “*Residential land use mixture within the PUD District. A goal of the PUD district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings.*”

As stated in the Zoning Ordinance, a goal of the PUD district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings. The inclusion of multi-family dwellings in this goal is intended to serve several purposes. One of the primary considerations is housing affordability, as mentioned in item 2 below and described in detail in the *2005 Frederick County Affordable Housing Council Study of Workforce Housing Needs* and the *Housing Element* of the *Serving Our Citizens* chapter of the *Frederick County Comprehensive Plan*. Despite the recent economic downturn, housing costs have generally continued to increase relative to median income in Frederick County. Multi-family housing can

provide affordable housing options for County residents. It is also appropriate that affordable housing options be available throughout the County and not just where there is already a concentration of such housing.

Providing multi-family housing is a prudent approach to insuring that the County has a diversified housing stock that can accommodate the changing social and economic drivers of demand. For example, multi-family housing is an important source of housing options for families in different demographic categories. Young families as well as the growing demographic of empty nesters are often seeking to downsize, and multi-family housing can provide this opportunity.

The availability of a range of housing opportunities in our Community Growth Areas is of paramount importance as we consider current and future investments in the public infrastructure that supports higher residential densities. Close proximity to schools, libraries, parks, shops, daycare centers, and medical facilities are a benefit to all residents, but are particularly important to those most sensitive to the cost of transportation. The ability to procure and retain an affordable home is often linked directly to the cost of mobility.

For these reasons, Staff recommends that some component of multi-family housing be provided in the Northern Town Center MXD, as previously approved in the 2012 MXD concept plan. Staff would also recommend that the additional dwellings proposed for the Villages of Urbana PUD Market District allow for multi-family and not just townhouses.

## **Consistency with Comprehensive Plan**

### **Villages of Urbana PUD**

The Market District Site is within the Urbana Community Growth Area as designated on the County Comprehensive Plan and has a land use plan designation of Low Density Residential.

With its Low Density Residential designation (3-6 dwellings/acre) and its location within a Growth Area, it is identified as an area that has been targeted for growth and development and is therefore consistent with the general policy in the Comprehensive Plan that supports the location of growth within growth areas.

There has not been a specific Community or Corridor Plan developed for the Urbana community

### **Northern and Southern MXD Amendments**

The I-270 corridor in Frederick County has been targeted as a primary employment area as far back as the County's first Comprehensive Plan in 1959. The first industrial zoning in the corridor was applied in 1969. In the late 1990's the I-270 corridor in both Frederick and Montgomery county's was first marketed as the I-270 High Technology Corridor to recognize the type of development occurring in Montgomery County and to promote the entire corridor. While the initial view of the land along I-270 was to be solely employment the County has facilitated the ability to create mixed employment/residential developments to address the market and the shift away from the isolated office campus type development. The County Comprehensive Plan references the desire for mixed developments in the following policies:



- ED-P-02 Locate employment uses in community growth areas where they can take advantage of existing/planned infrastructure and proximity to the workforce & other services.*
- ED-P-03 Integrate compatible employment, commercial and residential uses when possible to achieve a mixed-use environment.*
- ED-P-07 Advocate for the efficient use of limited land resources zoned for employment that accommodates the County's targeted industries.*
- MG-P-19 Substantially limit development along major highway corridors such as I-270 and US 340 to those uses that maximize employment opportunities.*

Staff recognizes the current market conditions, trends and absorption rates related to office development in the larger Washington metropolitan region. Irrespective of those trends, staff supports the revised Concept Plan submitted by the Applicant that maintains Land Bay 2D for employment uses.

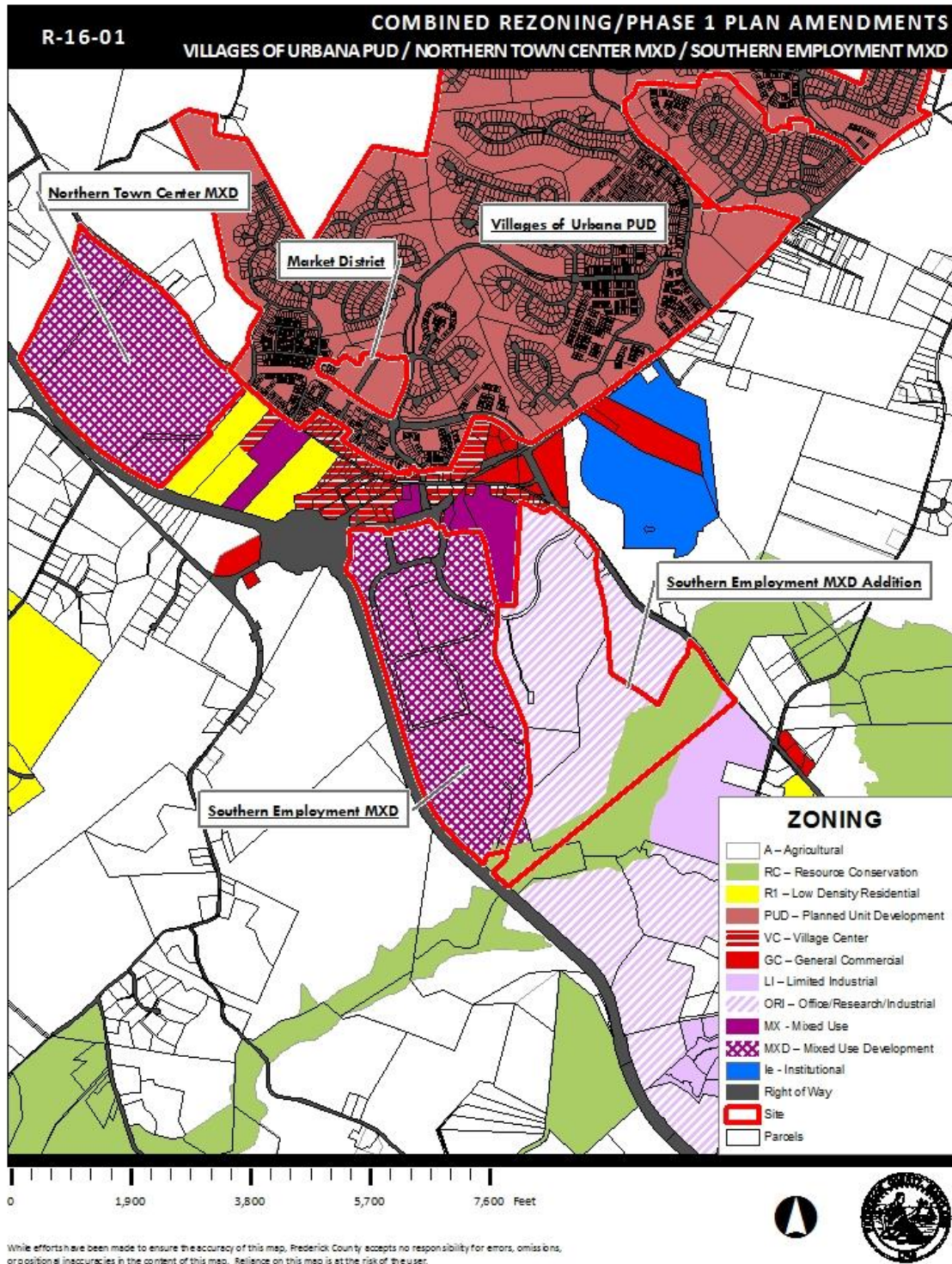
## **Compatibility with Adjoining Zoning and Land Uses**

### **Villages of Urbana PUD**

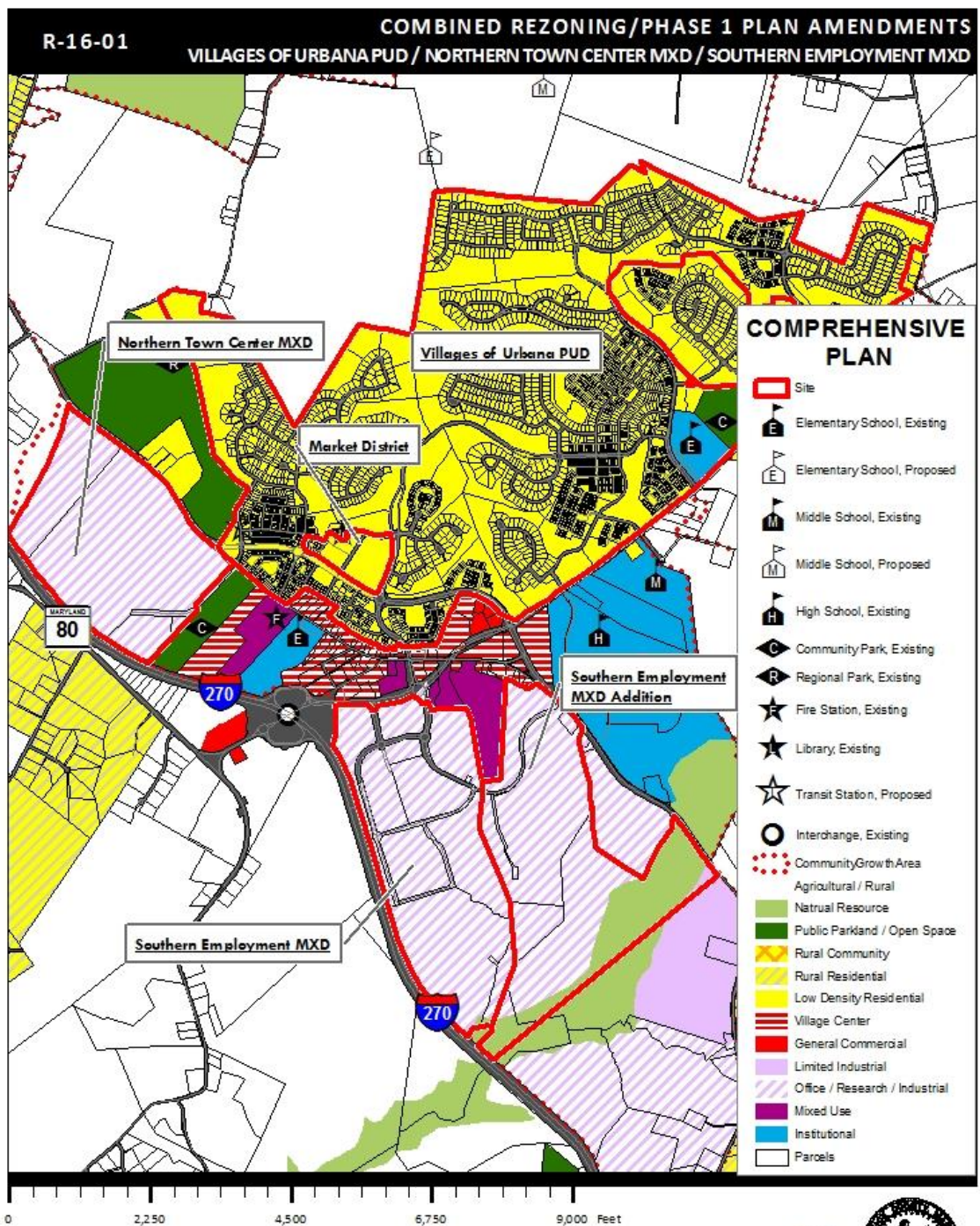
The land area surrounding the Market District site is zoned PUD. Existing land uses are primarily residential with some live/work units on the west side of Worthington Blvd, the neighborhood commercial center on its eastern section, and the Urbana Public Library on its northern edge. A mix of townhouses and multi-family units would be compatible with the surrounding residential and commercial uses.

### **Northern and Southern MXD's**

Adjoining zoning districts surrounding the Northern & Southern MXDs include Village Center (VC), Residential (R1), Office/Research/Industrial (ORI), Limited Industrial (LI), General Commercial (GC), and Planned Unit Development (PUD). Along the I-270 boundary, the MXD areas adjoin vast areas zoned Agricultural (A). This boundary serves as the physical limit of the Urbana Community







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Growth Area along its entire western edge. On the south, the proposed Southern Employment MXD boundary abuts a swath of Resource Conservation (RC) acreage, a portion of which would be incorporated into the revised MXD. The mix of intensive uses generally permitted by the zoning of the abutting properties is consistent with the continued development of the growth area.

Surrounding land uses include commercial shopping centers, high-density residential apartments, active recreational park facilities, and the Villages of Urbana PUD.

The proposal is generally compatible with adjoining zoning districts and land uses.

## **Natural Features**

### **Villages of Urbana PUD**

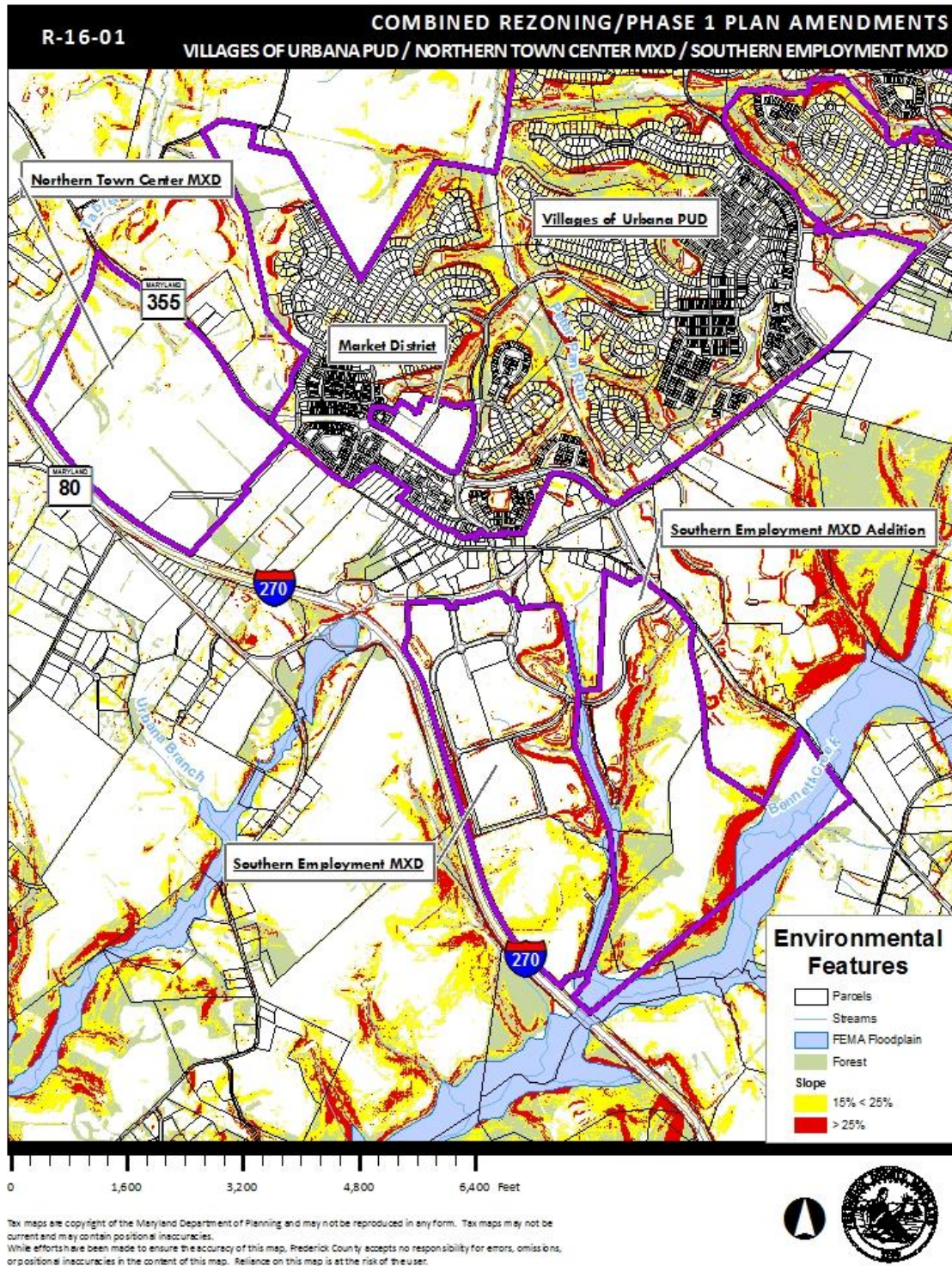
The Market District Site is already graded and cleared for development and does not retain any sensitive environmental features. The site does include streets and some parking areas.

### **Northern and Southern MXD's**

The Northern Town Center MXD site has rolling topography with mostly cleared, agricultural lands. There are two streams/swales that drain into Tabler Run, which traverses the northern border of the site and is a tributary of Bush Creek. There are narrow bands of woodlands along the two streams and along Tabler Run.

The Southern Employment MXD site is also characterized by rolling topography with cleared open land and woodlands primarily adjacent to the streams. There is a stream corridor that separates the proposed residential component from the existing Southern MXD site. The stream is a tributary to Bennett Creek and has a narrow band of 100-year floodplain. The area proposed to be rezoned to MXD includes a portion of Bennett Creek and its adjacent 100-year floodplain.





## IV. Evaluation - Adequacy of Public Facilities and Services

### Schools

#### *Proposed Additional Dwellings*

- **Villages of Urbana PUD – 75 (based on townhouses though could include multi-family)**

The proposed 700 dwellings in the Southern Employment District MXD will be age-restricted and are not included in the calculation of pupil yield.

School	Equated Enrollment <sup>1</sup> / State Rated Capacity <sup>1</sup>	% of State Rated Capacity	Projected Pupil Yield		
			Townhouses (75 du's)	Multifamily	TOTAL
Urbana Elementary School	700/511	137%	30	0	<b>30</b>
Urbana Middle School	866/900	96%	10	0	<b>10</b>
Urbana High School	1690/1636	103%	11	0	<b>11</b>
<b>Total</b>			<b>51</b>	<b>0</b>	<b>51</b>

1. Frederick County Public Schools (FCPS) Quarterly Enrollment Report, September 30, 2016

#### ***Programmed Improvements (Adopted FY 2017-2022 CIP)***

Sugarloaf Elementary School – New 725-seat school to open in 2018. This school will be located in the Northern Town Center MXD development. For the first two years it will accommodate the students from Urbana Elementary while that school is demolished and replaced with a new building to open in 2020.

Urbana Elementary School – Replacement school on the same site with expansion from 511 seats to 725 seats (additional 214 seats). Proposed to open in 2020.

#### ***Planned Improvements***

East County Area Elementary School – New 725-seat school, location to be decided, as contained the current approved FY 2017 – 2022 CIP. The project is planned to be constructed after 2022. At this time, FCPS is not anticipating that capacity from this project will provide relief in Urbana.

Middle School – The Comprehensive Plan identifies a planned 900 seat middle school site, east of Boyers Mill Rd., which has PUD zoning approval. This site has not been dedicated or conveyed to the County.

High School – The Comprehensive Plan identifies a planned 1600 seat high school site in the

Monrovia community growth area. This site has not been dedicated or conveyed to the County.

## **Water and Sewer**

The developments in this application have the following Water and Sewer Plan classifications:

Northern Town Center MXD – S-3/W-3 (service in 3 years)

Southern Employment District MXD – developed parcels are S-1/W-1 (existing service). Other portions with subdivision approval are classified S-3/W-3. The Raystock property is classified S-4/W-4 (service in a 4-6 year timeframe).

Villages of Urbana PUD – the developed portions are S-1/W-1 (existing service) and the remaining areas are S-3/W-3 including the subject site in the Town Center area.

**Water Supply** - Public water is provided through the New Design water system, which withdraws water from the Potomac River. The New Design Water Treatment Plant has a permitted capacity of 25 million gallons/day (MGD) and has a current average daily use of approximately 16 MGD.

**Sewer Service** - Sewage treatment service is provided by the Ballenger-McKinney wastewater treatment plant (WWTP), which has capacity of 15 MGD and currently discharges into the Monocacy River. Current average daily treatment flows at the Ballenger-McKinney WWTP is 5.7 MGD.

Based on the proposed additional 775 dwellings, and assuming 250 gallons/day/dwelling, the developments would need approximately 193,750 gallons/day of both water supply and sewage treatment capacity. The Applicant is responsible for extensions and connections to the existing public water and sewer lines as well as constructing water storage tanks, pump stations etc.

The proposed 775 dwellings will use less than 50% of the capacity needed for the approximately 2 million sq. ft. of office use that would be replaced with the residential.

### ***Programmed Improvements (FY 2017-2022 CIP)***

There are no projects in the Urbana area.

## **Public Safety**

The nearest fire station is the Urbana Volunteer Fire Department (Station #23), located on Urbana Pike next to Urbana Elementary School. All of the respective developments in this application are within 2 miles of the Urbana Fire Station. Police protection for the Sites are provided by the Frederick County Sheriff's Office.

### ***Programmed Improvements (Adopted FY 2017-2022 CIP)***

Green Valley Fire Station – Replacement of the existing station (Station #25), located near the intersection of MD 75/80. The site has been dedicated and conveyed to the County. The station is proposed to be open in 2023 and will have space for the County Sheriff's Office.

### ***Planned Improvements***

There are no additional planned public safety related improvements

## **Libraries**

Urbana is served by the Urbana Regional Library located in the Villages of Urbana PUD Town Center. There are no library improvements programmed in the FY2017-2022 CIP.

## **Parks**

There are two existing County parks in the vicinity of Urbana. The County's Urbana District Park (95 acres) is a regional park located on MD 355 across from the Northern Town Center MXD development. The other is the County's Urbana Community Park (20 acres) located on Urbana Pike adjacent to the Northern Town Center MXD. Both parks are fully developed with play fields, playgrounds, and trails.

The Northern Town Center MXD and the proposed active adult residential component in the Southern MXD will have their own HOA controlled pool/club house facilities. The Frederick YMCA is proposing a full YMCA facility on property between the Urbana High and Middle schools. The County is proposing to contribute funding towards the pool component.

### ***Programmed Improvements (FY 2017-2022 CIP)***

No programmed improvements for parks in the vicinity

### ***Planned Improvements***

Special Park – The County owns a 19-acre site in the Villages of Urbana next to Centerville Elementary School that would be available for future park facilities.

Sugarloaf Elementary School will be constructed as a Park/Rec school, including an oversized gymnasium designed to offer expanded recreational programs.

## **Transportation**

### ***Existing Site Access Characteristics***

Northern Town Center MXD – this site has frontage along MD 355 and will have three access points on MD 355, one across from the entrance to the Urbana District Park, a second approximately 1,600 feet to the east of the park entrance, and a third via Stone Barn Dr. across from Lew Wallace St.

Villages of Urbana PUD – the parcel subject is within the Market District and has road frontage on all four sides of the site including MD 355, John Simmons St, Amelung St., and Bremen St.

Southern Employment District MXD - the developed portion of the MXD has frontage along MD 80 with two full access points, one controlled by a traffic signal and the other at a roundabout. A third access point is provided via Urbana Pkwy, which runs through the MXD to MD 355. The proposed residential area will have a connection to Urbana Pkwy and a direct access point (currently an existing driveway access to Knowledge Farms) to MD 355 across from Campus Dr.

### ***Existing Traffic Volumes and Capacity on Adjoining Roads***

A measure of additional capacity of a roadway can be generally determined through the calculation of the Volume/Capacity (V/C) ratio, which can be obtained by dividing the **capacity** of the road (based on # existing thru lanes) by the current average daily traffic **volume**.

4-lane arterial capacity – 34,000 vehicles/day

2-lane arterial capacity – 18,000 vehicles/day

A V/C ratio below 1.0 indicates that capacity is available.



Count Location	Average Annual Daily Traffic (AADT)	Volume/Capacity (VC) Ratio
MD 355 – north of Worthington Blvd	10,990	18,000, V/C -0 .61
MD 355 – north of MD 80	8,050	34,000, V/C – 0.24
MD 355 – south of Campus Dr.	8,750	18,000, V/C – 0.49
MD 80 – west of I-270	7,060	18,000, V/C – 0.39
MD 80 – west of Urbana Pkwy	19,600	34,000, V/C – 0.58
MD 80 – east of MD 355	19,510	34,000, V/C – 0.57

The proposed 725 dwellings would have the following daily weekday trip generation:

Townhouses (75 dwellings)	436 daily trips
Senior detached (700 dwellings)	258 daily trips
Total Daily Trips	694

***Comprehensive Plan Designations for Adjoining Roads***

MD 80 – Minor Arterial

MD 355 – Major Arterial

Urbana Pkwy - Collector

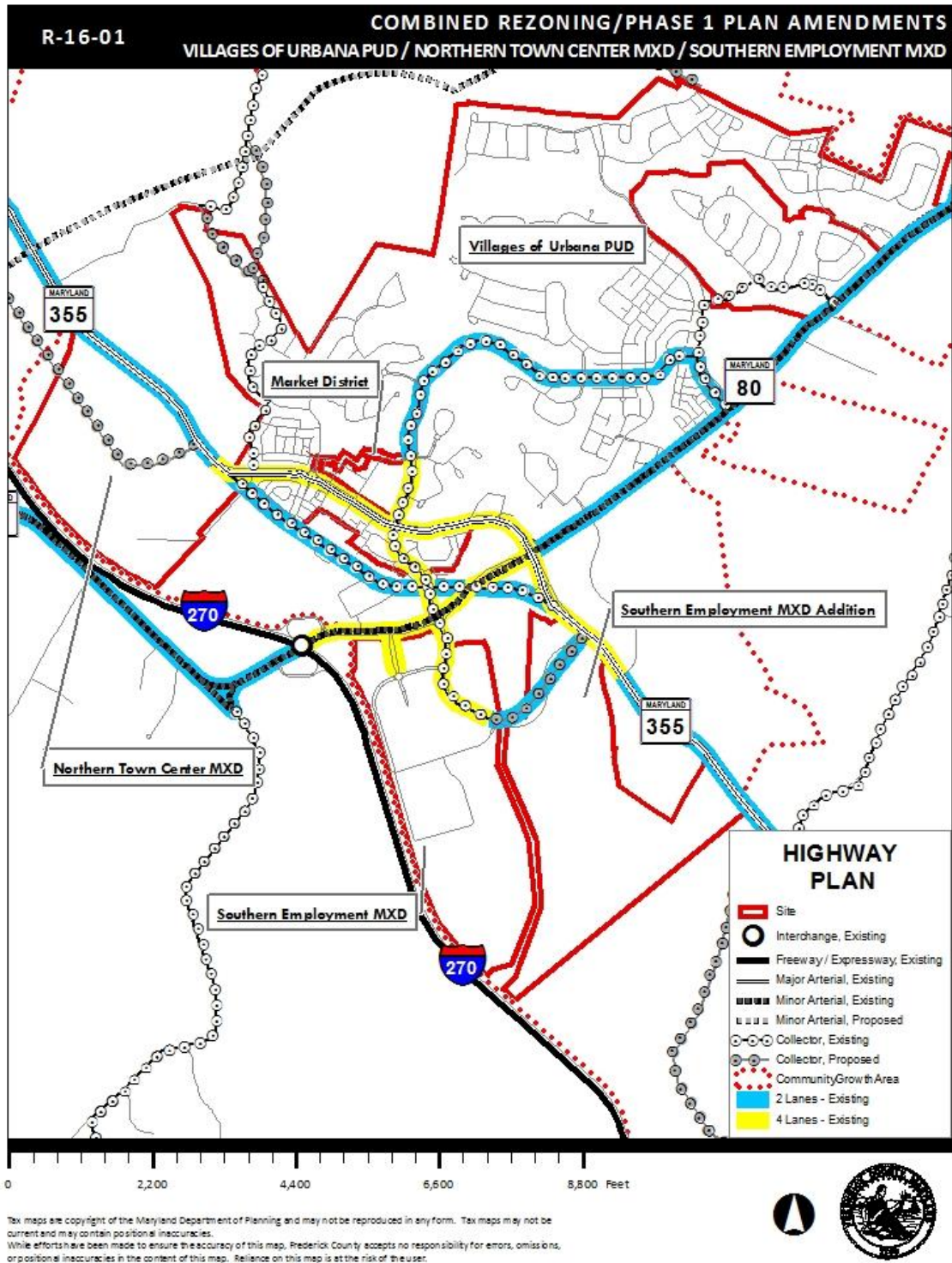
Urbana Pike (old MD 355) - Collector

***Programmed Improvements (Adopted FY 2017-2022 CIP)***

There are no County road improvements in the current CIP.

***Planned Improvements***

I-270/MD 80 Interchange – Through prior APFO approvals the applicant is responsible for constructing a new ramp from northbound I-270 to eastbound MD 80. This ramp will replace an existing ramp that requires traffic to make a left turn onto eastbound MD 80 at a traffic signal.



## **V. Approval Criteria and Summary of Findings**

### **§ 1-19-3.110.4 (A) – Approval Criteria for Zoning Map Amendments**

#### ***(1) Consistency with the comprehensive plan;***

Staff finds that the proposed amendments to the Northern and Southern MXD's maintains a sufficient mix of land uses, including employment, that Staff would find consistent with underlying Office/Research/Industrial Comprehensive Plan designation.

#### ***(2) Availability of public facilities;***

Staff finds that parks, libraries, and public safety facilities are currently adequate to serve the proposed residential development. The construction of a replacement Green Valley fire station (station #25) in 2023 will help to maintain adequate fire/rescue services. For water/sewer service, the proposed 775 dwellings will require less than 50% of the capacity than the employment uses it is proposed to replace. There is approximately 9 MGD of water supply and 9.3 MGD of sewage treatment capacity currently available in the New Design water system and the Ballenger-McKinney WWTP.

Regarding school adequacy, staff finds that the impact of an additional 51 projected students at the elementary, middle, and high school levels cannot be accommodated by programmed improvements. At the elementary level, through the facilities planning and Capital Improvements Programming process, capacity may be available to accommodate students generated by the 75 new residential units. However, at the middle school and high school levels, no additional capacity is pending. These additional dwellings will be subject to subsequent APFO testing for school adequacy.

#### ***(3) Adequacy of existing and future transportation systems;***

Staff finds the existing road to be adequate to accommodate additional traffic. Both MD 80 and MD 355 throughout the immediate Urbana area have volume/capacity ratios less than 1.0 indicating the ability to accommodate additional traffic. Current Adequate Public Facility Ordinance (APFO) approvals will require additional improvements to MD 80 east of MD 355 and on MD 355 in the vicinity of the Urbana District Park. The potential daily weekday trip generation of 694 trips from the proposed residential can be adequately accommodated given current traffic volumes and volume/capacity ratios.

#### ***(4) Compatibility with existing and proposed development;***

Staff finds that proposed changes to the MXD/PUD are generally compatible with existing and proposed development. The remaining employment area in the Northern MXD will be separated from the residential uses by a natural buffer (stream valley and open space areas).

In the PUD Market District site, staff finds that the proposed addition of 75 residential dwellings is compatible with the existing commercial and residential uses, including the commercial uses currently under construction on the south side of John Simmons St. Staff would further find that a mix of housing types, including multi-family dwellings and townhouses, would also be compatible and, in fact, more desirable within a town center growth area.

#### ***(5) Population change; and***

The current population of Urbana proper is approximately 9,800. The proposed 775 additional dwellings will result in a population increase of approximately 1,600 people based on an average household size of 2.67 persons/household for the 75 non age-restricted dwellings and 2.0 persons/household for the 700 age-restricted dwellings.

**(6) *The timing of development and facilities.***

For the MXD developments the water/sewer and road infrastructure are mostly in place to accommodate the age restricted residential development and/or an assisted living/nursing care facility. For the additional dwellings proposed in the PUD there are no new school capacity projects planned or programmed at the middle and high school levels for at least the next 10 years. At the elementary level, capacity provided by the new Sugarloaf ES and an Urbana ES replacement will not be available for new students until at least the fall of 2020. Staff is recommending a condition that the proposed 75 additional dwellings be constructed in line with the opening of Sugarloaf Elementary to new students in the fall of 2020. These additional dwellings will also be subject to subsequent APFO testing for school adequacy.

**§ 1-19-10.500.3. – Approval Criteria for Planned Development Districts**

**(A) *The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;***

Staff finds that the proposal for the Southern Employment MXD is relatively compact and efficient in its consumption of land and infrastructure in this section of the MXD. A complex mix of medium-density residential, employment, commercial, and open space/recreational uses are woven together to maximize privacy and separation where necessary and to encourage interconnection between residential neighborhoods and the services and facilities needed to sustain them.

**(B) *The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;***

There is no Community and Corridor Plan for this area. The Phase I Plan concept plans do not include building locations or significant development design components.

**(C) *The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping; or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans;***

To the extent discernible in a Phase I Land Use Concept Plan, the proposal for the Southern Employment MXD appears to reflect a development scheme that makes wise use of natural and man-made features to diminish differences in intensity, building scale, and appearance between the existing employment uses and the proposed residential or assisted living/nursing care facility.

In the Northern Town Center MXD, staff finds that the remaining employment uses along I-270 is appropriate and is adequately buffered from the expanded residential area by open space.

**(D) *The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;***



Staff finds that the proposed development of the Southern Employment MXD provides a safe and efficient arrangement of land uses, whether it is developed as age-restricted or with an assisted living/nursing care facility. The road network that is mostly existing provides alternative access points while also providing some degree of separation of traffic generated by the employment uses.

Staff finds that the proposed arrangement of land uses in the Northern Town Center MXD provides adequate buffering between the employment and residential uses while maintaining an appropriate mix of land uses. The concept plan preserves the well-planned physical connections between residential neighborhoods, schools, and recreational facilities.

- (E) *The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling;***

Staff finds the transportation system to be adequate to accommodate additional traffic. Both MD 80 and MD 355 throughout the immediate Urbana area have volume/capacity ratios less than 1.0 indicating the ability to accommodate additional traffic. Current Adequate Public Facility Ordinance (APFO) approvals will require additional improvements to MD 80 east of MD 355 and on MD 355 in the vicinity of the Urbana District Park. The potential daily weekday trip generation of 694 trips from the proposed 775 residential dwellings can be adequately accommodated given current traffic volumes and volume/capacity ratios.

- (F) *The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;***

While the network of streets and pedestrian facilities appears to have expanded organically into the land areas previously planned for office employment uses in the Northern Town Center MXD, the proposed expansion of a significant residential component (700 DUs) into the southernmost land areas of the Southern Employment MXD creates a challenge for connecting future residents to the jobs, shopping areas, and institutions critical to a successful community. Staff finds that the Applicant has maximized connectivity in the southernmost sections of the MXD by providing multiple pedestrian paths, apparent vehicular/pedestrian interconnections to previously developed parcels, and placed the highest density residential structures in close proximity (within 500 feet) to existing commercial development and potential transit routes along Urbana Parkway, Urbana Pike, and Fingerboard Road.

- (G) *Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus;***

The Urbana Fire Co. (Station #23) is within 2 miles of the three developments included in this application. This station has professional staff and a full complement of fire and rescue equipment. The Green Valley Station #25 is approximately 5 miles from the respective developments and would serve as the second due station.

- (H) Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15.2 of the Frederick County Code;***

The proposed concept land use plan maintains the open space areas from currently approved plans. These open space areas protect several stream corridors that include woodlands, and moderate slopes. Sensitive natural areas and open spaces are utilized strategically to provide natural land use buffers and provide opportunities for passive and active recreational amenities to serve both residential and employment uses in the MXD.

- (I) The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans;***

Staff finds that the proposed mix of land uses that would maintain employment uses along I-270 while allowing for an expanded residential area is consistent with the intent of the Office/Research/Industrial Comprehensive Plan land use designation.

Staff does find the proposed residential land use in the Southern MXD component to be consistent as it provides for an integrated mix of land uses in an area that is currently limited to employment and commercial uses.

- (J) Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.***

Staff finds that parks, libraries, and public safety facilities are currently adequate to serve the proposed residential development. The construction of a replacement Green Valley fire station in 2023 will help to maintain adequate fire/rescue services. For water/sewer service the proposed 775 dwellings will require approximately less than 50% of the capacity than the employment uses it is proposed to replace. There is approximately 9 MGD of water supply and 9.3 MGD of sewage treatment capacity currently available in the New Design water system and the Ballenger-McKinney WWTP.

Staff finds that the impacts of the additional 75 dwellings on schools (30 elementary, 10 middle, 10 high) will be minimal. The recommended condition that building permits not be issued until January 2020 will provide a measure of adequacy at the elementary level with the opening of Sugarloaf Elementary to new students in the fall of 2020. While there are no addition projects at the Urbana Middle and High schools the pupil yield impacts are minimal. If the additional 75 dwellings are approved they will be subject to subsequent APFO testing for school adequacy.

## VI. Proposed Condition Revisions by the Applicant

### Northern Town Center MXD

The following conditions reflect previous revisions to the MXD approved in 2012 and 2014.

Language with a ~~striketrough~~ is proposed to be deleted and language in all CAPITALS is new.

1. A maximum of 610 dwelling units may be constructed within the MXD site. In lieu of construction of the required MPDUs, the requirement to provide MPDUs may be satisfied through a payment in lieu of construction as provided for by Section 1-6A-5.1 of the County Code.
2. The developer shall follow a phasing plan for the MXD as described below:
  - a. Building permits for no more than 150 single-family detached and attached units may be issued per year with a previous year's unused allocation permitted to be carried into the following year.
  - ~~b. 128 multifamily flats may be developed with timing based upon market demand and shall not be counted against the maximum of 150 single-family detached and attached building permits per year.~~
  - c. Non-residential employment and commercial uses shall be developed according to market demand, consistent with the applicable requirements contained in the APFO LOU associated with the project.
  - d. Timing and sequence of infrastructure improvements (roadways, water, sewer) shall be approved under the project's APFO Letter of Understanding.
3. The developer shall reserve up to a 70 ft. wide transit right-of-way for the ultimate use of the I-270 Transitway project -- as described in the County Comprehensive Plan -- the precise location of which shall be determined during the Phase II process.
4. The developer shall prepay \$250,000 of the total amount of School Construction Fees assessed on residential units in the MXD that fail the APFO schools test, in accordance with Section 1-20-62 of the Adequate Public Facilities Ordinance. Such prepayment shall be made within six (6) months of the signing of the Letter of Understanding (LOU) covering the Urbana Northern MXD. The \$250,000 prepayment shall be credited against the School Construction

Fees due for the first residential units to be platted in the MXD and all subsequent units until the \$250,000 fee has been fully credited, at which time the developer shall resume payment of required School Construction Fees.

***Staff Note: the \$250,000 prepayment has been made though it has not been entirely credited through the number of lots that have been recorded to date.***

5. Consistent with the County Comprehensive Plan for this site, the developer shall design the roadway network within the MXD in a manner as to accommodate the possible future connection to Park Mills Road.
6. The developer shall provide convenient and safe connections to both the Urbana District Park and the Urbana Community Park through the provision of direct links between the vehicular, pedestrian, and trail systems in the park facilities and the MXD ~~development~~. These connections shall be developed in such a way as to provide safe, controlled access points to the parks.
7. Site plans for residential and non-residential components of the MXD shall comply with Section 1-19-10.500.9 and consistent with Section 1-19-10.500.5 (B) (7) building and Spaces Visualization.
8. THE NORTHERN AND SOUTHERN MXD'S SHALL BE DEVELOPED AS A COMBINED PROJECT AND UTILIZE UP TO 40% OF THE COMBINED LAND USE AS RESIDENTIAL AND COMMERCIAL AS PERMITTED UNDER SECTION 1-19-10.500.7(A).

#### **Southern Employment MXD**

The following conditions reflect previous revisions to the MXD approved in 2012.

Language with a ~~strike through~~ is proposed to be deleted and language in all CAPITALS is new.

1. The proposed street connections between the employment uses and commercial uses shall be maintained in a way that allows for pedestrian access through the development of the project. Furthermore, these pedestrian/street links between employment and commercial uses shall be strengthened through the use of wider and generously landscaped walkways.
2. The MXD project shall be subject to the *Frederick County Community Design Guidelines and Development Principles* (adopted July 16, 2002) throughout the Planning Commission's review process.



3. Convenient bicycle and pedestrian access shall be established and maintained in order to fully interconnect the Villages of Urbana PUD with the Urbana Office/Research Center MXD. Such access shall accommodate reasonable attempts to find convenient connections to the NEWLY INCORPORATED MXD ~~OR~~ lands east of the EMPLOYMENT AREA OF THE MXD.
4. An integrated trail/walkway shall be constructed for the use of employees of, and visitors to, employment and commercial uses in the MXD.
5. Applicant shall coordinate with Frederick County's TransIT Division in order to optimize future transit service to the MXD.
6. An extension of Bennett Creek Avenue through Fannie Mae site, either as a pedestrian or vehicular thoroughfare, shall be indicated on the land use plan and illustrative document so as to protect the opportunity for access to the central Land Bay.
7. The applicant shall confirm and demonstrate at or prior to the time of MXD Phase II (preliminary plan) approval through a traffic review to the satisfaction of County staff that the traffic impacts, including distribution of trips, resulting in any proposed change in use are not greater than the traffic impacts resulting from the current approved uses under the APFO LOU amended as part of this application.
8. THE SOUTHERN AND NORTHERN MXD'S SHALL DEVELOPED AS A COMBINED PROJECT AND UTILIZE UP TO 40% OF THE COMINED LAND USE AS RESIDENTIAL AND COMMERCIAL AS PERMITTED UNDER SECTION 1-19-10.500.7(A).
9. THE MXD PROJECT SHALL BE PERMITTED TO DEVELOP UP TO 700 AGE-RESTRICTED DWELLING UNITS.

## **VII. Staff Recommendation**

Staff has the following recommendations for the individual components of the request, R-16-01.

Based on the findings, described in Section V of the staff report, relative to:

- The Approval Criteria as set forth in §1-19-3.110.4 of the Zoning Ordinance; and
- The Planned Development District Approval Criteria as set forth in §1-19-10.500.3 of the Zoning Ordinance.

### **Villages of Urbana PUD Component**

Staff recommends APPROVAL of the request to increase the maximum number of dwelling units from 3,013 to 3,088 – for a total of 75 additional units - in the Market District area of the PUD.

The following condition shall apply:

1. A maximum of 3,088 total dwellings may be constructed within the Villages of Urbana PUD.
2. Building permits for the 75 additional dwellings in the Market District (beginning with the 3,014<sup>th</sup> dwelling) shall not be issued any earlier than January 1, 2020 so that occupancy of the dwellings would not occur until after Sugarloaf Elementary is open to new students in August 2020.
3. Construction of the additional 75 dwelling units shall be limited to the area known as the Market District as delineated on the revised Concept Plan (approximately 19 acres).
4. The 75 additional dwellings may consist of townhouses, multifamily dwellings, or a combination of these housing types.

### **Northern Town Center MXD Component**

Staff recommends APPROVAL of the request to replace a portion of the employment uses with residential uses to spread out the currently approved 610 dwellings. Staff further recommends retaining condition # 2b as previously approved for the residential component of the MXD. Staff concurs with the other proposed conditions as revised by the Applicant with the exception of Condition #8. Staff proposes the following text to be added to condition #8:

The Northern and Southern MXDs shall be developed as a Combined Project with the following Land Use Mix:

Land Use Mix – Combined MXD (Northern and Southern MXDs)

Employment/Institutional	No minimum or maximum
Residential/Commercial	33%
Open Space	28%

**Southern Employment District MXD Component**

Staff recommends APPROVAL of the request to rezone approximately 210 acres from ORI, LI, and RC to MXD, and to add this land area to the Southern Employment District MXD for the purpose of developing an age-restricted residential use and/or an assisted living/nursing care facility. The following additional conditions shall apply:

1. A maximum of 700 dwelling units may be developed in the Southern Employment District MXD. One hundred percent (100%) of these dwelling units shall be age-restricted. *(NOTE: this condition may replace the applicants condition #9)*
2. Some, or all, of the proposed residential land use area for the age-restricted dwellings may be developed as a Nursing Care/Assisted-Living facility.
3. As proffered by the applicant, covenants shall restrict 100% of the dwelling units in Southern MXD project to be age-restricted per the Federal Fair Housing Act and the Housing for Older Persons Act of 1995. There shall be a further limitation on the minimum age of permanent residents being 19 years of age. These covenants shall be recorded prior to the recording of the first subdivision plat. The covenants shall be recorded and made part of the title for each dwelling unit. Every property owner within the age-restricted development (and HOA) shall be beneficiaries of the covenants with the ability to enforce them through administrative or judicial proceedings. These covenants are to reviewed by the County Attorney's Office to ensure that the MXD zoning district is invalid if these covenants are not recorded and do not restrict age as proffered in a binding and enforceable manner. The required biannual federal surveys (24 CFR 100.307) shall be made available to the County for its review and records.

4. Staff proposes the following addition to condition #8:

The Northern and Southern MXDs shall be permitted to develop as a Combined Project with the following Land Use Mix:

Land Use Mix – Combined MXD (Northern and Southern MXDs)

Employment/Institutional	No minimum or maximum
Residential/Commercial	33%
Open Space	28%